

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

**Civil Action No. 3:16-md-
2738-FLW-LHG**

MDL No. 2738

***THIS DOCUMENT RELATES TO ALL
CASES***

**PLAINTIFFS' MOTION TO SEAL CERTAIN ACCOMPANYING
EXHIBITS TO PLAINTIFFS' STEERING COMMITTEE'S MEMORANDA
IN OPPOSITION TO CERTAIN MOTIONS BY DEFENDANTS TO
EXCLUDE PLAINTIFFS' EXPERT WITNESSES**

Pursuant to Rule 5(d) of the Federal Rules of Civil Procedure and Local Civil Rules 5.3(c) and 7.1, Plaintiffs, by and through Plaintiffs' Steering Committee, hereby move to file under seal certain exhibits referenced in Plaintiffs' Steering Committee's Memoranda in Support of its opposition to Defendant's Motion to exclude Plaintiffs' Experts' Asbestos-Related opinions (CM/ECF Nos. 9901, 9903); Plaintiffs' Experts' Biologic Plausibility opinions (CM/ECF No. 9890-4); Plaintiffs' Experts General Causation opinions (CM/ECF No. 9888-4); Plaintiffs' Experts Heavy Metals opinions (CM/ECF No. 9885); Plaintiffs' Experts Lack of Qualifications (CM/ECF No. 9870); Plaintiffs' Expert Opinions of Ghassan Saed (CM/ECF No. 9875-6).

The documents at issue are listed in and attached hereto as **Appendix 1**. These documents have either been previously produced by Defendants in this litigation and designated as “Protected Document – Subject to Protective Order” or reference otherwise sensitive material not appropriate at this time for public access. This Court has granted previous motions in this litigation regarding similarly confidential and sensitive documents, (CM/ECF Nos. 394, 8579, 8703, 9970), and strictly enforces protection of confidential documents. (CM/ECF No. 118).

Specifically, the documents listed in Appendix 1 meet the requirements for sealing under Local Rule 5.3(c) because:

- a. the documents contain sensitive non-public information produced during discovery;
- b. this court has previously recognized a legitimate interest in keeping confidential documents and information obtained during discovery, (CM/ECF 118);
- c. Plaintiffs believe Defendants would raise clearly defined claims of serious injury that could or would likely occur if this motion is not granted for any individual document listed;
- d. the documents cannot be reasonably redacted or otherwise subjected to a less restrictive alternative method of protecting their contents;

- e. upon due diligence, Plaintiffs are not aware that the documents listed have been previously sealed in this pending action;
- f. Plaintiffs are not aware of any party or nonparty objecting to this sealing request.

Therefore, Plaintiffs move the Court for leave to submit the exhibits to the foregoing motion under seal in order to protect the documents.

A proposed form of Order has been simultaneously submitted.

Dated: June 12, 2019

Respectfully Submitted,

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Plaintiffs' Liaison Counsel

CERTIFICATE OF SERVICE

I, P. Leigh O'Dell, hereby certify that I caused a copy of the foregoing Plaintiffs' Motion to File Under Seal to be filed electronically via the court's electronic filing system the 12th day of June 2019. Those attorneys who are registered with the court's electronic filing system may access these filings through the court's system, and notice of these filings will be sent to these parties by operation of the court's electronic filing system.

/s/ P. Leigh O'Dell
P. Leigh O'Dell

Appendix 1

Referenced Exhibits to Seal from Doc. 9870:

CM/ECF	Doc Exhibit	Description
9870-4	Exhibit 6	Expert Report of Robert B. Cook, Ph.D.
9870-6	Exhibit 8	Expert Report of Michael Crowley, Ph.D.
9870-7	Exhibit 9	Deposition transcript of Michael Crowley, Ph.D. 1/4/19
9870-9	Exhibit 13	Expert Report of Mark Krekeler, Ph.D.
9870-11	Exhibit 26	Expert Report of Laura M. Plunkett, Ph.D., DABT

Referenced Exhibits to Seal from Doc. 9875-6:

CM/ECF	Doc Exhibit	Description
9739-6	Exhibit S	IMERYS 248635

Referenced Exhibits to Seal from Doc. 9885:

CM/ECF	Doc Exhibit	Description
9885-3	Exhibit 1	Expert Report of Laura M. Plunkett, Ph.D., DABT
9885-8	Exhibit 6	JNJ 000237076
9885-9	Exhibit 7	IMERYS 342524
9885-12	Exhibit 9	JNJ 000237115
9885-13	Exhibit 10	Expert Report of Michael M. Crowley, Ph.D.
9885-15	Exhibit 12	Expert Report of Mark Krekeler, Ph.D.
9885-15	Exhibit 13	Supplemental Expert Report of Longo/Rigler
9885-15	Exhibit 14	JNJ 000085374
9885-15	Exhibit 15	JNJ 000238826
9885-15	Exhibit 16	JNJS71R_000009825
9885-15	Exhibit 17	JNJ 000346572
9885-15	Exhibit 18	JNJNL61_000027053
9885-15	Exhibit 19	IMERYS 477879
9885-15	Exhibit 20	JNJS71R_000011316
9885-17	Exhibit 39	Expert Report of Kelly Scribner Tuttle, Ph.D., CIH
9885-19	Exhibit 41	Expert Report of H. Nadia Moore, Ph.D., DABT, ERT
9885-21	Exhibit 48	JNJ 000131754
9885-22	Exhibit 49	JNJ 000378046

9885-24	Exhibit 51	IMERYS 469483
9885-24	Exhibit 52	IMERYS 441340
9885-24	Exhibit 53	JNJ 000246437
9885-24	Exhibit 54	Expert Report of Robert B. Cook, Ph.D.
9885-26	Exhibit 56	JNJ 000300223
9885-27	Exhibit 59	Deposition transcript of Michael Crowley, Ph.D. 1/4/19
9885-28	Exhibit 64	JNJS71R_000001978

Referenced Exhibits to Seal from Doc. 9888-4:

CM/ECF	Doc Exhibit	Description
9888-4	Exhibit 16	Expert Report of Laura M. Plunkett, Ph.D., DABT

Referenced Exhibits to Seal from Doc. 9890-4:

CM/ECF	Doc Exhibit	Description
9890-4	Exhibit 15	Expert Report of Laura M. Plunkett, Ph.D., DABT

Referenced Exhibits to Seal from Doc. 9901:

CM/ECF	Doc Exhibit	Description
9901-2	Exhibit 2	Expert Report of Mark Krekeler, Ph.D.
9901-2	Exhibit 3	Expert Report of Robert B. Cook, Ph.D.
9901-2	Exhibit 4	IMERYS 077321
9901-2	Exhibit 5	IMERYS 334779
9901-2	Exhibit 6	IMERYS 117598
9901-4	Exhibit 10	IMERYS 245144
9901-4	Exhibit 11	IMERYS 467511
9901-4	Exhibit 12	IMERYS-A_0024548
9901-4	Exhibit 13	JNJ 000521616
9901-4	Exhibit 14	JNJAZ55_000006341
9901-4	Exhibit 15	JNJMX68_000017827
9901-4	Exhibit 16	WCD 002478
9901-5	Exhibit 24	Letter dated April 23, 1998 (Exhibit J&J-220)
9901-8	Exhibit 34	Progress Report on Talc Ores (Exhibit J&J-2)
9901-8	Exhibit 35	JNJ 000245002

9901-8	Exhibit 36	IMERYS 425354
9901-8	Exhibit 37	IMERYS 238270
9901-8	Exhibit 38	IMERYS 435992
9901-8	Exhibit 39	IMERYS 427291
9901-8	Exhibit 40	IMERYS 219720
9901-8	Exhibit 41	JNJMX68_000017515
9901-8	Exhibit 42	Defendant's Exhibit D-7131 (JNJNL61_000106449)
9901-10	Exhibit 46	JNJAZ55_000000905
9901-10	Exhibit 47	JNJ 000087710
9901-10	Exhibit 48	JNJNL61_000019288
9901-10	Exhibit 49	IMERYS 210707
9901-10	Exhibit 50	IMERYS 051370
9901-10	Exhibit 51	TEM Asbestos Analysis of Argonaut Summary Report
9901-10	Exhibit 52	IMERYS 309326
9901-10	Exhibit 53	IMERYS 081025
9901-10	Exhibit 54	JNJ 000521616
9901-10	Exhibit 55	IMERYS 210707
9901-10	Exhibit 56	J&J-256
9901-10	Exhibit 57	JNJ 000245002
9901-10	Exhibit 58	IMERYS 210707
9901-10	Exhibit 59	JNJ 000092227
9901-10	Exhibit 60	JNJ 000085374
9901-10	Exhibit 61	JNJNL61_000000266
9901-10	Exhibit 62	JNJNL61_000001341
9901-10	Exhibit 63	IMERYS 210794
9901-10	Exhibit 64	IMERYS 210724
9901-10	Exhibit 65	JNJ 000281919
9901-10	Exhibit 66	JNJ 000260807
9901-14	Exhibit 106	JNJAZ55_000004643

Referenced Exhibits to Seal from Doc. 9903:

CM/ECF	Doc Exhibit	Description
9903-9	Exhibit 121	IMERYS 441340
9903-9	Exhibit 122	IMERYS 427326
9903-9	Exhibit 123	IMERYS 427419
9903-9	Exhibit 124	IMERYS 436951
9903-9	Exhibit 125	IMERYS 427428

9903-9	Exhibit 126	IMERYS 418940
9903-9	Exhibit 127	IMERYS 219720
9903-9	Exhibit 128	IMERYS 501902
9903-9	Exhibit 129	IMERYS 238270
9903-9	Exhibit 130	IMERYS 418940
9903-9	Exhibit 131	IMERYS 425354
9903-9	Exhibit 132	IMERYS 427291
9903-9	Exhibit 133	IMERYS 427326
9903-9	Exhibit 134	IMERYS 435992
9903-9	Exhibit 135	IMERYS 436000
9903-9	Exhibit 136	JNJ 000238826
9903-9	Exhibit 137	JNJ 000248023
9903-9	Exhibit 138	JNJ 000322351